



SPONSOR: Rep. Baumbach

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
HOUSE BILL NO. 75

AMEND House Bill No. 75 between lines 63 and 64 by inserting the following:

“(f) Each public body shall maintain minutes of all meetings, including executive sessions, conducted pursuant to this section, and shall make such minutes available for public inspection and copying as a public ~~record~~ record as follows:

(1) Such minutes shall Minutes must include a record of those members present and a record, by individual members (except where the public body is a town assembly where all citizens are entitled to vote), of each vote taken and action agreed upon.

(2) Such minutes Minutes or portions thereof, and any public records pertaining to executive sessions conducted pursuant to this section, may be withheld from public disclosure so long as public disclosure would defeat the lawful purpose for the executive session, but no longer.

(3) All public bodies in the executive branch of state government that are subject to the provisions of this chapter and meet 4 or fewer times per year shall electronically post draft minutes of open public meetings, identified as "draft minutes," within 20 working days after the conclusion of the meeting as follows:

a. Public bodies that are not in the executive branch of state government must post to any website where meeting notices, agendas, or minutes are posted.

b. All public bodies in the executive branch of state government must post to the designated State website approved by the Secretary of State ~~within 20 working days after the conclusion of the meeting.~~ State.

c. Prior to being posted, draft minutes may be distributed to members of the public body who were present at the open public meeting.

d. Draft minutes may continue to be revised and corrected up until final minutes are approved by the public body at an open meeting.

(4) All public bodies in the executive branch of state government that are subject to the provisions of this chapter shall electronically post final approved minutes of open public meetings ~~to the designated State of~~

24 ~~Delaware website approved by the Secretary of State within 5 working days of final approval of said minutes.~~
25 minutes as follows:

26 a. Public bodies that are not in the executive branch of state government must post to any website
27 where meeting notices, agendas, or minutes are posted.

28 b. All public bodies in the executive branch of state government must post to the designated State
29 website approved by the Secretary of State.

30 FURTHER AMEND House Bill No. 75 on lines 72 and 73 by deleting “(j) A person attending any meeting of a
31 public body that is an open meeting under this section may make audio and video recordings of any portion of the open
32 meeting so long as the act of making the recording is not disruptive.”

33 FURTHER AMEND House Bill No. 75 on line 79 by deleting “~~6 months~~ 2 years” and inserting in lieu thereof “6
34 months”.

SYNOPSIS

This amendment requires that all public bodies, not just those in the executive branch of state government, that are subject to the provisions of this chapter and meet 4 or fewer times per year, electronically post draft minutes of open public meetings, identified as "draft minutes," within 20 working days after the conclusion of the meeting. In addition, it requires that all that all public bodies, not just those in the executive branch of state government, that are subject to the provisions of this chapter post final approved minutes within 5 working days of final approval.

This Amendment also removes the new provision that would require a public body to allow a person attending an open meeting to make audio and video recordings of the meeting so long as the act of recording is not disruptive.

This amendment also removes the extension of time to file a lawsuit challenging the validity under this chapter of any action of a public body and retains the current deadlines.